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2013 JUN 28 AM 10:18

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY DRS DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 WILLIAM J. WRIGHT,

12 vs. Plaintiff,

14 CASWELL OVERLOOK  
15 COMMUNITY ASSOCIATION,  
16 INC., a Georgia corporation,  
17 LUEDER, LARKIN & HUNTER,  
LLC, a Georgia limited liability  
corporation, and DOES 1 to 10,  
inclusive,

18 Defendants.

10 CASE NO. 13-CV-1147 BEN (JMA)

11 **ORDER GRANTING MOTION  
12 TO PROCEED *IN FORMA*  
13 *PAUPERIS***

14 [ECF No. 2]

19 On May 13, 2013, Plaintiff William J. Wright filed a civil complaint and a  
20 motion to proceed *in forma pauperis* ("IFP"). ECF Nos. 1 & 2. For the reasons  
21 stated below, the motion to proceed IFP is granted.

22 **DISCUSSION**

23 All parties instituting any civil action in a district court, except an application  
24 for writ of habeas corpus, must pay a filing fee. 28 U.S.C. § 1914(a). An action  
25 may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff  
26 is granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a). A party seeking  
27 IFP status must submit an affidavit stating that she is unable to pay the costs of the  
28 lawsuit. § 1915(a). "The granting or refusing of permission to proceed *in forma*

1 *pauperis* is a matter committed to the sound discretion of the district court.” *Smart*  
2 *v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965) (citations omitted).

3 Having reviewed Plaintiff’s declaration in support of his motion to proceed  
4 IFP, the Court finds that he is unable to pay the filing fee or post securities required  
5 to maintain this action. Accordingly, the Court **GRANTS** his motion to proceed  
6 IFP.

7 Pursuant to 28 U.S.C. § 1915(e)(2)(B), notwithstanding any filing fee, the  
8 Court must dismiss any complaint if at any time the Court determines that it is  
9 “frivolous or malicious,” “fails to state a claim on which relief may be granted,” or  
10 “seeks monetary relief against a defendant who is immune from such relief.” This  
11 *sua sponte* screening is mandatory. *See Lopez v. Smith*, 203 F.3d 1122, 1127 (9th  
12 Cir. 2000) (en banc); *see also Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001)  
13 (per curiam).

14 Having reviewed Plaintiff’s Complaint, the Court finds that it survives the  
15 *sua sponte* screening of 28 U.S.C. § 1915(e)(2)(B).

## 16 CONCLUSION

17 Wright’s motion to proceed *in forma pauperis* is **GRANTED**.

18 **IT IS SO ORDERED.**

19 DATED: June 27, 2013

20   
HON. ROGER T. BENITEZ  
21 United States District Court Judge

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